

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

-VS-

LINDSEY KENT SPRINGER,

Defendant/Movant.

Case No. 09-cr-0043-SPF


ORDER

Defendant/movant Lindsey Kent Springer moves for release pending appeal. Doc. no. 614. The appeal in question is an appeal of this court's order denying Mr. Springer's motion to enjoin enforcement of the judgment against him. *See*, Notice of Appeal, doc. no. 607. The arguments presented by Mr. Springer in that appeal are essentially the same arguments which he has presented over and over, in different guises, all of which have previously been rejected in the courts.

Title 18 U.S.C. § 3143(b)(1), the statute under which Mr. Springer now moves, requires the court to detain a person who has been found guilty of an offense unless the court finds (A) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person if released, and (B) that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in: reversal, an order for a new trial, a sentence that does not include a term of imprisonment, or a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process.

As is clear from the court's prior rulings stating that the issues raised by Mr. Springer's current appeal have already been rejected in the courts and are legally frivolous (*see*, doc. nos. 606, 612), the appeal does not raise a substantial question of law or fact, much less one which is likely to result in reversal, an order for a new trial, a sentence which does not include a term of imprisonment, or a reduced sentence. Accordingly, the requirements of (B) are not met, and the motion for release pending appeal is **DENIED**.

Dated this 19th day of April, 2016.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

09-0043p136.wpd